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Report

drawn up on behalf of the Committee on Regional Policy, Regional Planning and
Transport

on the proposal from the Commission of the European Communities to the
Council (Doc. 472/75) for a regulation on a system of reference tariffs for the
carriage of goods by inland waterway between Member States

Rapporteur: Mr W. ALBERS

1.2.1

PE 45.543/fin.

By letter of 23 December 1975 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 75 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a regulation on a system of reference tariffs for the carriage of goods by inland waterway between Member States.

The President of the European Parliament referred this request to the then Committee on Regional Policy and Transport.

On 18 February 1976 the Committee on Regional Policy and Transport appointed Mr Albers rapporteur.

The newly constituted Committee on Regional Policy, Regional Planning and Transport considered this proposal at its meeting of 20 October 1976 and unanimously adopted the motion for a resolution and explanatory statement.

Present: Mr Evans, chairman; Mr Nyborg, vice-chairman; Mr Albers, rapporteur; Mr De Clercq, Mr Delmotte, Mr Ellis, Mr Gerlach, Mr Hamilton, Mr Martinelli, Mr Mursch and Mr Seefeld.

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The Committee on Regional Policy, Regional Planning and Transport hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a regulation on a system of reference tariffs for the carriage of goods by inland waterway between Member States

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Doc. 472/75),
 - having regard to the report of the Committee on Regional Policy, Regional Planning and Transport (Doc. 381/76);
-
1. Notes that a system of reference tariffs, intended solely for guidance, is proposed for the carriage of goods by inland waterway between Member States of the Community;
 2. Approves the Commission's proposal;
 3. Considers it desirable, however, for the Community to be given the possibility of intervening in rate-fixing, should a crisis or a serious imbalance occur on the inland waterway market;
 4. Requests the Commission therefore to incorporate the following amendments in its proposal, pursuant to Article 149, second para., of the EEC Treaty:

¹ OJ No. C 54, 8.3.1976, p. 30

Proposal for a regulation on a system of reference tariffs for the
carriage of goods by inland waterway between Member States

Preamble and first and second recitals unchanged

Third recital

Whereas, consequently, the fixing of transport rates and conditions must be the sole responsibility of transport undertakings themselves;

Third recital

Whereas, consequently, the fixing of transport rates and conditions must be the sole responsibility of transport undertakings themselves, except in the event of a crisis or serious disturbance of the market balance;

Fourth to ninth recitals unchanged

Tenth recital

Whereas, in the event of negotiations in the inland shipping sector on the establishment of tariffs or the consultation of transport users running into difficulties, an arbitration procedure under public law, by the Commission in the first instance and the Council in the second instance, should produce solutions which satisfy the interests of all parties concerned;

Tenth recital

Whereas, in the event of negotiations in the inland shipping sector on the establishment of tariffs or the consultation of transport users running into difficulties, an arbitration procedure under public law by the Commission should produce solutions which satisfy the interests of all parties concerned; (eleven words deleted)

Eleventh and twelfth recitals unchanged

Article 2

1. The transport operations referred to in Article 1 shall be subject to a system of reference tariffs.

2. Reference tariffs shall constitute an indication for determining transport rates, which users and transport undertakings shall be free to fix at their discretion according to the market situation and their own interests.

Article 2

1. The transport operations referred to in Article 1 shall be subject to a system of reference tariffs, except when the Council, acting on a proposal from the Commission, declares a crisis situation.

2. Unchanged.

¹ For complete text see OJ No. C 54, 8.3.1976, p. 30

Article 3 unchanged

Article 4

1. Reference tariffs shall be established jointly by the trade associations of inland waterway carriers in the Member States concerned, in bilateral or multilateral negotiations. To this end they shall consult organizations representing transport users, agents and providers of ancillary services, and transport workers.

2. When the negotiations referred to in paragraph 1 have been concluded, the trade organizations of the inland shipping industry shall forthwith ensure that the tariffs are published in the trade press and recommend their application to contracts for international carriage by inland waterway. Reference tariffs shall be available for the consultation of those participating in the market in the major chartering places of international inland waterway transport.

3. The provisions of paragraphs 1 and 2 shall apply mutatis mutandis in the event of alterations to the reference tariffs.

4. The Member States shall designate the organizations and chartering places referred to in paragraphs 1 and 2.

Article 4

1. Reference tariffs shall be established jointly by the trade associations of inland waterway carriers in the Member States concerned, in bilateral or multilateral negotiations. To this end they shall consult the relevant organizations of transport users, agents and providers of ancillary services, and transport workers.

2. Unchanged.

3. Unchanged.

4. Unchanged.

Article 5

1. If the negotiations referred to in Article 4 with a view to altering the reference tariffs fail, the organizations concerned shall submit the disagreement to the Commission.

2. Within one month from the date of receipt of the information, the Commission shall take a decision on the matter, after consulting the Committee referred to in Article 6, (1)(a) of Council Regulation (EEC) No.¹. This decision shall be published in the Official Journal of the European Communities.

3. The decision of the Commission shall become enforceable one month from the date of publication unless, meanwhile, a Member State brings the matter before the Council. In that event, the Council shall take a decision by a qualified majority on the dispute within one month and publish the decision in the Official Journal of the European Communities.

Article 5

1. Unchanged

2. Unchanged

3. The decision of the Commission shall become enforceable one month from the date of publication.
(remainder deleted)

New Article 5 (a)

In the event of a crisis or serious and persistent disturbance of the market in the carriage of goods by inland waterway between Member States, the Commission, after consulting the Committee for observing the markets, may propose to the Council the imposition of temporary compulsory tariffs.

Articles 6 to 12 unchanged

¹ Council Regulation of concerning a system of observing the markets for the carriage of goods by rail, road and inland waterway between the Member States; OJ of the EC No. ...
See proposal, OJ No. C 1, 5.1.1976, p. 44

EXPLANATORY STATEMENTGeneral observations

1. The purpose of this proposal from the European Commission is to introduce a system of reference tariffs for the carriage of goods by inland waterway between Member States of the Community similar to that for the carriage of goods by road.

These reference tariffs are of course intended solely for guidance and have no binding force on the transport undertakings which may, however, at their discretion fix their own transport rates on the basis of these tariffs.

2. Pursuant to Article 3 (2), (3) and (4) of the proposed Regulation, the actual market situation and the real cost structure must be taken into account when establishing the reference tariffs, which must also ensure a fair profit for the transport undertakings.

3. The proposed tariff system may thus provide welcome assistance to small inland waterway transport undertakings in particular in calculating prices corresponding more accurately to market conditions.

Since the great majority of undertakings in this transport sector are independent undertakings which, moreover, operate for the most part with only one vessel, your rapporteur considers that in future the reference tariffs will indeed serve as a guideline for transport rates on the inland waterway market.

Furthermore, the reference tariffs may also contribute to greater transparency in this transport market.

4. Your rapporteur notes that these reference tariffs are only valid for cross-frontier operations and not for domestic inland waterway transport within the Member States of the Community. To rule out possible discrimination or disturbance of the transport market, it seems desirable that transport within the individual countries should also be made subject to Community regulations as soon as possible. Disparities between national and international price regulations must be avoided.

5. The guiding principle on which this draft regulation is based is that of the free market economy which, according to the Commission, is 'the most effective instrument of resource allocation' (see Explanatory Memorandum, paragraph 1).

Without wishing to embark here on a fruitless ideological discussion and without wishing to dispute the principle that the fixing of transport rates and conditions must be the sole responsibility of transport undertakings themselves (third recital), it might be asked whether an excessively rigid application of the principle of the market economy does, in fact, offer the greatest number of guarantees for the smooth functioning of this transport sector.

6. Your rapporteur has the impression that the European Commission has not dared to go far enough, and considers it desirable that, in the case of an obvious crisis or a serious disturbance of the market balance, the Community and/or national authorities should have at their disposal the necessary means for effective intervention.

7. The proposed amendments are therefore designed to provide a safety valve so that the relevant authorities may counter serious difficulties in the short term by the imposition of compulsory tariffs. Naturally, once the danger of serious discrepancies had been averted, there should be a return to free rate-fixing.

Moreover, it goes without saying that such intervention is most effective at Community level.

8. The possibility of intervention appears all the more desirable given the competition to which European inland waterway undertakings will be increasingly subject from those of the state-trading countries once the Rhine-Main-Danube Canal is open to traffic.

In his own-initiative report on behalf of this committee on 'problems of EEC transit traffic through Austria and Switzerland' (Doc. 500/75), Mr Giraud drew specific attention to the danger of a most alarming development for the Community resulting from state-owned shipping companies sharing in goods transport by European inland waterways.

In the resolution adopted on 6 April 1976 by the European Parliament in plenary sitting, it was proposed that the Community should already at this stage join Austria in preparing the measures to be adopted within the framework of the transport policy¹ when the Rhine-Main-Danube link is opened (sometime between 1980 and 1985).

¹ See also in this context Written Question No. 851/75 by Mr Albers, OJ No. C 89, 16.4.1976, p. 53.

9. Your committee welcomes the fact that in its proposal the Commission admits that the basic problem affecting transport by inland waterway is of a structural nature and directly linked to chronic over-capacity.

The European Parliament's committee responsible for transport has repeatedly expressed its concern at this structural over-capacity and has requested the Council to take as soon as possible, the measures necessary for efficient management and control of supply, this being clearly essential for a regulation designed to stabilize prices¹.

10. In this context, your rapporteur hopes that the Council Regulation on the setting up of a European fund for the laying-up of inland waterway vessels² will enter into force quickly. The setting up of such a fund forms part of the agreement initialled in Brussels on 9 July 1976 after three years of negotiations between the Community and the Swiss Confederation.

It is to be welcomed that a Community regulation on laying-up has tackled the central problem of over-capacity; its extensive effects on rate-fixing can contribute significantly to a more balanced prices policy and eventually to a reorganization of the inland waterway market.

11. At the moment, the situation in domestic transport by inland waterway is that the freight rates applied in those Member States heavily involved in this transport sector are subject to fairly strict government regulations.

In contrast, rate-fixing for international or cross-frontier transport by inland waterways is uncontrolled except for transport between Belgium and France where, after the nine-week strike by Belgian bargees, compulsory minimum freight rates were recently imposed by the authorities.

12. Given the present situation in inland waterways, the introduction of this system of reference tariffs will cause little fundamental change. However, the obligation to publish tariffs in the trade press, together with the widest possible discrimination of reference tariffs, should in all probability contribute to greater transparency in this market.

¹ See inter alia the reports by Mr Kapteyn (Doc. 108/61), Mr Müller-Hermann (Doc. 18/62), Mr Faller (Doc. 75/62), Mr Brunhes (Doc. 132/62), Mr De Gryse (Doc. 115/65), Mr Carcaterra (Doc. 8/67), Mr Meister (Doc. 29/72), Mr De Clercq (Doc. 90/76) and Mr Albers (Doc. 91/76)

² For proposal, see OJ No. C 208, 3.9.1976, p. 2.

Observations on the proposed amendments

- third Recital, Article 2 (1) and new Article 5 (a)

13. As already mentioned, your rapporteur considers that, in the event of a crisis or a serious and persistent imbalance on the inland waterway market, the Community should have the possibility of effective intervention.

14. This means in practice that, the Council acting on a proposal from the Commission and after consulting the Committee for observing the market would first declare a manifest crisis situation, and the Commission would then propose suitable measures to the Council to counteract this serious disturbance of the market. This could be achieved, inter alia, by a temporary laying-up of vessels, government fixing of minimum tariffs, etc.

It is self-evident that, once the crisis had been brought under control, a return would be made as rapidly as possible to the system of reference tariffs intended only for guidance.

- tenth Recital and Article 5 (3)

15. The Committee on Regional Policy, Regional Planning and Transport welcomes the fact that in its proposal, the Commission has included an arbitration procedure to be followed when no agreement on reference tariffs can be reached by the interested parties.

16. The condition contained in article 5 (3) of the draft regulation, affords a Member State the opportunity of bringing a dispute for settlement to the Council, which would then take a decision by a qualified majority.

17. However, since in practice, the unanimity rule applies to decisions taken by the Council of Transport Ministers, such a provision in fact represents a short-circuiting of the system. It is quite unrealistic to hope that the Council will depart from its unanimity rule for this specific matter. Your committee, therefore, proposes the deletion of this provision from the proposed Regulation.